

Misbranding of the article was alleged in substance in the information for the reason that the statements, "2½ Pounds Net Weight," "Five Pounds Net Weight," "One Pound Net Weight," or "Two Pounds Net Weight," borne on the various sized cans containing the said article, were false and misleading, in that the said statements represented that the cans contained 2½ pounds, 5 pounds, 1 pound, or 2 pounds, as the case might be, of coffee, and for the further reason that the statements were labeled on the cans as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 2½ pounds, 5 pounds, 1 pound, or 2 pounds, as the case might be, of coffee, whereas the said cans did not contain the amount declared on the label but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the said packages.

On December 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14070. Adulteration of canned cut string beans. U. S. v. 75 Cases, et al., of Cut String Beans. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20722, 20737. I. S. Nos. 3885-x, 3886-x, 9543-x. S. Nos. C-4909, C-4917.)

On or about December 21 and 29, 1925, respectively, the United States attorney for the Western District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 318 cases of canned cut string beans, remaining in the original unbroken packages at San Marcos, Tex., alleging that the article had been shipped by Appleby Bros., in various consignments, namely, on or about August 5, 1925, from Fayetteville, Ark., and on or about September 23, 1925, from West Fork, Ark., and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Western Star Brand Cut String Beans Put Up By Appleby Bros. Fayetteville, Ark."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On or about January 28, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

14071. Adulteration of frozen eggs. U. S. v. 465 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20770. I. S. Nos. 5776-x, 5777-x, 5779-x, 5780-x, 5781-x. S. No. B-5612.)

On January 15, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 465 cans of frozen eggs, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by Cappel, Garrard Co., from Peoria, Ill., between the dates of June 9 and July 13, 1925, and transported from the State of Illinois into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Creve Coeur Brand Frozen Whole Eggs 30 Lbs. Net Weight Cappel, Garrard Co."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 1, 1926, the Cappel, Garrard Co., Peoria, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be salvaged under the supervision of this department and the good portion released.

R. W. DUNLAP, *Acting Secretary of Agriculture.*